

Michael David Sills, et al. v. Southern Baptist Convention
3:23-cv-00478

Exhibit 2

From: Katherine Barrett Riley
To: Philip N. Elbert
Cc: Satchel Fowler; Shannon McNulty; Gary Brewer; Don Barrett; Sterling Aldridge; Mariam N. Stockton; Ronald G. Harris; Cathy Pudio; Susan A. Budd; Anna J. Morgan; Gretchen Callas; janderson@jacksonkelly.com; Brigid M. Carpenter; Ryan P. Loofbourrow; Byron E. Leet; Tom Travis; Matthew C. Pietsch; Katherine R. Klein; Alex O'tchy; Scott Klein; Alan S. Bean; npoole@starneslaw.com; nnpoole@starneslaw.com
Subject: Re: Sills v. SBC et al.; April 16 Letter from Phil Elbert
Date: Wednesday, April 16, 2025 9:06:31 PM
Attachments: image004.png
image005.png
image001.png

Again:

Katherine Barrett Riley
P.O. Box 927
Lexington, MS 39095
662-834-2488
kbriley@barrettlawgroup.com

From: Philip N. Elbert <pelbert@nealharwell.com>
Sent: Wednesday, April 16, 2025 8:40 PM
To: Katherine Barrett Riley <KBRiley@BarrettLawGroup.com>
Cc: Satchel Fowler <sfowler@nealharwell.com>; Shannon McNulty <smm@cliffordlaw.com>; Gary Brewer <robin@brewerandterry.com>; Don Barrett <DBarrett@BarrettLawGroup.com>; Sterling Aldridge <SAldridge@barrettlawgroup.com>; Mariam Stockton <mstockton@nealharwell.com>; Ronald G. Harris <rhrarris@nealharwell.com>; Cathy Pudio <cwpudio@nealharwell.com>; Susan A. Budd <sabudd@nealharwell.com>; Anna J. Morgan <amorgan@nealharwell.com>; Gretchen Callas <GCALLAS@jacksonkelly.com>; janderson@jacksonkelly.com; Brigid M. Carpenter <Bcarpenter@bakerdonelson.com>; Ryan P. Loofbourrow <Rloofbourrow@bakerdonelson.com>; Byron E. Leet <bleet@wyattfirm.com>; Tom Travis <ttravis@wyattfirm.com>; Matthew C. Pietsch <mpietsch@grsm.com>; Katherine R. Klein <kklein@riffirm.com>; Alex O'tchy <otchy@mintzandgold.com>; Scott Klein <klein@mintzandgold.com>; Alan S. Bean <abeans@starneslaw.com>; npoole@starneslaw.com
Subject: Re: Sills v. SBC et al.; April 16 Letter from Phil Elbert

Katherine,
I am doing my level best to avoid feeling obligated to bring this conduct up to the court or the BPR. Yet all you do is continue to attack me. Just answer my simple question, who was present by zoom during the deposition and have they signed to be bound by the protective order? Not a hard question.

Philip N. Elbert, Esq.
Neal & Harwell, PLC
1201 Demonbreun Street
Suite 1000
Nashville, TN 37203
Phone: 615-244-1713

On Apr 16, 2025, at 8:25 PM, Katherine Barrett Riley <KBRiley@barrettlawgroup.com> wrote:

Phil,

You aren't calling David unethical--you are calling ME unethical and dishonest. I take that attack very seriously.

Everyone stated their names on the record except Steve who said Gary rather than his own name. I assume he did that because he was logged into Gary's account, and he didn't want to take the time to explain to everyone that he was on the call because his uncle had just died. There is a time and place for everything. That wasn't the time for that conversation. Could he have done that? Sure. But he didn't. But there certainly wasn't an intention to be deceitful.

This is the last email that I am responding to with regard to the subject. If you aren't satisfied with my response, file your motion.

Period.

Katherine

Katherine Barrett Riley
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From: Philip N. Elbert <pelbert@nealharwell.com>
Sent: Wednesday, April 16, 2025 8:17 PM
To: Katherine Barrett Riley <KBRiley@BarrettLawGroup.com>
Cc: Satchel Fowler <sfowler@nealharwell.com>; Shannon McNulty <smm@cliffordlaw.com>; Gary Brewer <robin@brewerandterry.com>; Don Barrett <DBarrett@BarrettLawGroup.com>; Sterling Aldridge <SAldridge@barrettlawgroup.com>; Mariam Stockton <mstockton@nealharwell.com>; Ronald G. Harris <rhrarris@nealharwell.com>; Cathy Pudio <cwpudio@nealharwell.com>; Susan A. Budd <sabudd@nealharwell.com>; Anna J. Morgan <amorgan@nealharwell.com>; Gretchen Callas <GCALLAS@jacksonkelly.com>; janderson@jacksonkelly.com; Brigid M. Carpenter <Bcarpenter@bakerdonelson.com>; Ryan P. Loofbourrow <Rloofbourrow@bakerdonelson.com>; Byron E. Leet <bleet@wyattfirm.com>; Tom Travis <ttravis@wyattfirm.com>; Matthew C. Pietsch <mpietsch@grsm.com>; Katherine R. Klein <kklein@riffirm.com>; Alex O'tchy <otchy@mintzandgold.com>; Scott Klein <klein@mintzandgold.com>; Alan S. Bean <abeans@starneslaw.com>; npoole@starneslaw.com
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Just answer the question. Who was actually on zoom for the plaintiffs? We know one answer was untrue. Someone stated on the record they were Gary Brewer. That turns out was not true. Why is it a problem for you to be honest as to others? And please don't try and defend your client's immorality to me. He brought this lawsuit. His character is directly at issue. And it can't stand scrutiny.
Phil Elbert

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On Apr 16, 2025, at 8:01 PM, Katherine Barrett Riley <KBRiley@barrettlawgroup.com> wrote:

Phil:

As I explained, we are drafting the documents and getting them executed to substitute Steve who is a partner in Gary's firm. And we will get you a copy of the signed protective order.

In the meantime, if you want to file a motion and declare how unethical and dishonest I am, then you do what you need to do. Make sure you attach all the emails where I have called your actions "unprofessional" and "sanctionable." I remember one time asking you to quit personally attacking my client. I believe then and I believe now that the manner in which you conducted yourself was unprofessional and sanctionable. I will be glad to explain that to the court along with what has happened in the wake of my co-counsel's sudden death.

There is a big difference between an honest mistake/misstatement and intentional deceitfulness. I choose to not respond to the other asinine comments in your email.

Katherine

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From: Philip N. Elbert <pelbert@nealharwell.com>
Sent: Wednesday, April 16, 2025 7:36 PM
To: Katherine Barrett Riley <KBRiley@BarrettLawGroup.com>
Cc: Satchel Fowler <sfowler@nealharwell.com>; Shannon McNulty <smn@cliffordlaw.com>; Gary Brewer <robin@brewerandterry.com>; Don Barrett <DBarrett@BarrettLawGroup.com>; Sterling Aldridge <SAldridge@barrettawgroup.com>; Mariam Stockton <mstockton@nealharwell.com>; Ronald G. Harris <Rharris@nealharwell.com>; Cathy Pudio <cpudio@nealharwell.com>; Susan A. Budd <sbud@nealharwell.com>; Anna J. Morgan <amorgan@nealharwell.com>; Gretchen Callas <GCALLAS@jacksonkelly.com>; janderson@jacksonkelly.com; Brigid M. Carpenter <bcarpenter@bakerdonelson.com>; Ryan P. Loofbourrow <RLoofbourrow@bakerdonelson.com>; Byron E. Leet <Bleet@wyattfirm.com>; Tom Travis <ttravis@wyattfirm.com>; Matthew C. Pietsch <mpietsch@grsm.com>; Katharine R. Klein <Klein@rjfirm.com>; Alex Oltchy <oltchy@mintzandgold.com>; Scott Klein <klein@mintzandgold.com>; Alan S. Bean <abean@starneslaw.com>; npoole@starneslaw.com
Subject: Re: Sills v. SBC et al.; April 16 Letter from Phil Elbert

Katherine,

No, I was not part of what you claim to have discussed off the record. What I do know is that in court filings and on the record at deposition plaintiffs were not candid with the court or with me. Please provide the information requested in my letter of this date. Misrepresentation of who was present is a serious matter, especially given the protective order in this case. You and Shannon have repeatedly accused me of "unprofessional" and "sanctionable" conduct. Yet now I discover plaintiffs are in violation of the local rule requiring local counsel and have violated their duty of candor to the court. Steve Terry made a false statement on the record and stated he was Gary. Please provide evidence that Terry has been provided and agreed to be bound by the protective order in this case. Also please provide honest disclosure of the identity of all others present at Ms. Lyle's deposition but not honestly identified.

As a lawyer licensed to practice in Tennessee you are subject to our ethical obligations. That is a serious matter.

I stand by my earlier correspondence.

Philip N. Elbert, Esq.
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On Apr 16, 2025, at 5:32 PM, Katherine Barrett Riley <KBRiley@BarrettLawGroup.com> wrote:

Phil, you must have left the room when I was letting everyone know he passed away. We are in the process of getting Gary's partner Steve Terry substituted for Gary. It has only been 16 days since Gary's death. I won't get into details about Gary's health, but this was a very sudden diagnosis and immediate decline. I am licensed in Tennessee and all the filings are under my TN BPR#021155. Steve Terry was the person on the call. You are welcome to call me if you have any questions. Katherine

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From: Satchel Fowler <sfowler@nealharwell.com>
Sent: Wednesday, April 16, 2025 5:13 PM
To: Shannon McNulty <smn@cliffordlaw.com>; Gary Brewer <robin@brewerandterry.com>; Don Barrett <DBarrett@BarrettLawGroup.com>; Katherine Barrett Riley <KBRiley@BarrettLawGroup.com>; Sterling Aldridge <SAldridge@barrettawgroup.com>
Cc: Mariam Stockton <mstockton@nealharwell.com>; Philip N. Elbert <pelbert@nealharwell.com>; Ronald G. Harris <Rharris@nealharwell.com>; Cathy Pudio <cpudio@nealharwell.com>; Susan A. Budd <sbud@nealharwell.com>; Anna J. Morgan <amorgan@nealharwell.com>; Gretchen Callas <GCALLAS@jacksonkelly.com>; janderson@jacksonkelly.com; Brigid M. Carpenter <bcarpenter@bakerdonelson.com>; Ryan P. Loofbourrow <RLoofbourrow@bakerdonelson.com>; Byron E. Leet <Bleet@wyattfirm.com>; Tom Travis <ttravis@wyattfirm.com>; Matthew C. Pietsch <mpietsch@grsm.com>; Katharine R. Klein <Klein@rjfirm.com>; Alex Oltchy <oltchy@mintzandgold.com>; Scott Klein <klein@mintzandgold.com>; Alan S. Bean <abean@starneslaw.com>; npoole@starneslaw.com
Subject: Re: Sills v. SBC et al.; April 16 Letter from Phil Elbert

Good afternoon,

Please find attached a letter from Phil Elbert.

Sincerely,

Satchel Fowler | Associate
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